IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

WP(C).No. 23431 of 2003(M)

PETITIONER:

SHARAFUDDEEN MUSALIAR, PROPRIETOR,
ANVAR ICE PLANT, EDAPPALLI COTTA,
KOLLAM DISTRICT.

BY ADV. SRI.MOHAMMED RAFIQ

RESPONDENTS:

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1. THE ASSISTANT ENGINEER, KSEB,
ELECTRICAL SECTION, CHAVARA.

2. THE ASSISTANT EXECUTIVE ENGINEER,
KSEB, ELECTRICAL SUB DIVISION,
KARUNAGAPPALLY.

3. THE KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVANAM, PATTOM, TRIVANDRUM,
REPRESENTED BY ITS SECRETARY.

BY ADV. C.K.KARUNAKARAN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 23431/2003

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE NOTICE NO.DBA/2002-2003 DATED 21/03/2003 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.

EXT.P2 COPY OF THE BILL DATED 21/03/2003 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

EXT.P3 COPY OF THE APPEAL DATED 31/03/2003 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P4 COPY OF THE ORDER DATED 13/06/2003 PASSED BY THE 2ND RESPONDENT.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 23431 of 2003 M

Dated, this the 5th day of March, 2007

J U D G M E N T

Petitioner is challenging Ext.P4, which is the order in appeal issued by the Assistant Executive Engineer confirming the disputed electricity bills raised for petitioner's Ice plant. It is seen from the impugned order that on inspection, one phase of the meter connected in petitioner's Ice plant was not seen working. Therefore, estimation was taken by adding 50% of the reported consumption in the other two phases and raised bill, which was contested and confirmed in appeal. It is against this, petitioner filed this writ petition. I heard the learned counsel for the petitioner and the learned Standing Counsel appearing for KSEB.

2. I have gone through the disputed bill and the order in appeal. It is seen that bill raised was only for six months and is raised in accordance with the conditions of supply. Normally power is distributed in an even manner in all the phases and since one phase is not working the estimation at 50% of the consumption recorded in other two phases is quite justified. This

writ petition is therefore devoid of any merit and is dismissed. However, since this Court granted stay on conditions in 2003, waiver of interest can be granted, provided, petitioner has remitted Rs. 25,000/- (Rupees twenty five thousand only) in terms of order dated 23/07/2003 and balance amount will be paid exclusive of interest on or before 31/03/2007. Petitioner is directed to clear the arrears as mentioned above to avoid interest, failing which, interest along with arrears will also be recovered from the petitioner after 31/03/2007.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg